IN THE HIGH COURT OF JUDICATURE AT BOMBAY

TESTAMENTARY AND INTESTATE JURISDICTION

MISCELLANEOUS PETITION NO.1 OF 2003

IN

PETITION NO.590 OF 1997

Mr Peter Fernandes and anr. ...Petitioners

v/s

Benvemitta Annie D'Souza ...Respondent

Mr S.V. Masurkar for Petitioner.

Mr Cyrus Ardeshir i/b M/s Rustamji and Ginwala for Respondent.

CORAM : D.K. DESHMUKH J.

DATE : 23RD JUNE 2006.

P.C. :-

1. The learned counsel appearing for respondent states that grant of probate in his favour does not by itself make him owner of the property which is in dispute between the petitioner and the respondent. Inspite of the probate granted in favour of the respondent, the petitioner is free to establish his title in the civil suit that he may file. Statement is accepted. In view of this statement, on a motion made by the learned counsel appearing for petitioner, petition is allowed to be withdrawn.

. Parties to act on the copy of this order duly authenticated by the Associate / Private Secretary as true copy.

. Certified copy expedited.